

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL BACKALUKAS,

Plaintiffs,

v.

Case No. 2:21-cv-11792

District Judge George Caram Steeh

Magistrate Judge Anthony P. Patti

MENARD, INC., doing business
as MENARDS, *et al.*,

Defendants.

_____/

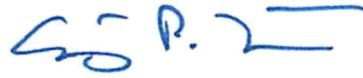
**ORDER DENYING NON-PARTY MENDELSON ORTHOPEDICS, P.C.'S
MOTION TO QUASH DEFENDANT MENARD, INC.'S SUBPOENA TO
DEPOSE RECORDS CUSTODIAN (ECF No. 10)**

This matter came before the Court for consideration of non-party Mendelson Orthopedics, P.C.'s (Mendelson's) motion to quash Defendant Menard, Inc.'s (Defendant's) Rule 45 motion to depose Mendelson's records custodian (ECF No. 10), Defendant's response in opposition (ECF No. 13), and the joint statement, which provides that the taking of the deposition itself is the only unresolved issue (ECF No. 15). Judge Steeh referred the case to me for all pretrial matters excluding dispositive motions. (ECF No. 11.) A hearing was held on January 4, 2022, at which counsel appeared and the Court entertained oral argument regarding the motion.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Mendelson's motion to quash (ECF No. 10) is **DENIED**. Defendant is entitled to take the deposition of Mendelson's records custodian for a maximum of two (2) hours. Mendelson will make the record custodian available for deposition on or before **Thursday, February 3, 2022**. The Court awards no costs.¹

IT IS SO ORDERED.

Dated: January 4, 2022



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

¹ The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).